

JEFFERSON COUNTY COMMISSIONERS  
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

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**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
May 22, 2007**

**Present:** Commissioners Lythgoe and Notbohm; Harold Stepper, County Planner; Joe Carter, Road Supervisor; Matt Johnson, County Attorney; Ron and Sharon Nason, Marilyn McCauley  
**Absent:** Commissioner Weber

**CALENDAR REVIEW**

5/23 Meeting with City of Helena - 9:00  
5/24 JLDC AdHoc committee - 10:00  
Zoning Commission - Montana City - 4:00  
MTAG - 5:00  
5/28 Holiday - County offices closed

**COMMISSION REPORTS**

**CENTER FOR MENTAL HEALTH**

Commissioner Lythgoe reported that he attended the Center for Mental Health governing board meeting in Great Falls on Monday. They have hired a new financial controller, and are in the process of developing a budget for the coming fiscal year. They didn't fare as well as they hoped in the legislature, but better than they thought they would.

**SOUTH HILLS RID**

Commissioner Lythgoe reported that he has been monitoring the South Hills project. Tree removal will start on the Lewis and Clark portion at the end of the month. Joe will be talking with residents about the project.

**RMDC**

Commissioner Notbohm reported that he attended the Rocky Mountain Development Center meeting on Thursday. They discussed on-going projects.

## **DEPARTMENT HEAD/ELECTED OFFICIAL CONCERNS**

Harold stated that at the last meeting the Commission made an agreement with National Affordable Housing Network for a gap loan in the amount of \$30,000. At the Commission meeting, it was discussed that it would be a one-year loan, but it was decided to extend this to two years, to give them time to pull the money together. Harold noted that with this being a major subdivision process, it could take a bit longer.

## **SUBDIVISION REVIEW**

### **AMEND PRELIMINARY PLAT - WILD ROSE MINOR SUBDIVISION**

Harold stated that he is standing in for Mike. There has been a request for an amendment to condition of approval #8, as there is a disagreement on culvert size. The only change is that all of the culverts in the subdivision will be the same size - 15 inches.

Commissioner Notbohm moved to approve the changes as stated to the Wild Rose Minor subdivision. Commissioner Lythgoe seconded. The motion carried.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **RESOLUTION 13-2007 RESOLUTION SUPPORTING THE HEADWATERS RC&D ECONOMIC DEVELOPMENT DISTRICT**

Commissioner Lythgoe read the resolution as follows:

#### **RESOLUTION 13-2007**

#### **A RESOLUTION SUPPORTING THE HEADWATERS RESOURCE CONSERVATION AND DEVELOPMENT (RC&D)/ECONOMIC DEVELOPMENT DISTRICT**

**WHEREAS**, Jefferson County is an active member of the Headwaters RC&D/Economic Development District; and

**WHEREAS**, the Headwaters RC&D/Economic Development District comprises seven counties and their municipalities, including Anaconda-Deer Lodge, Beaverhead, Butte-Silver Bow, Granite, Jefferson, Madison and Powell which work together for the common good of the area; and

**WHEREAS**, the Headwaters RC&D/Economic Development District has adopted and approved a Comprehensive Economic Development Strategy for the seven-county area;

**NOW, THEREFORE, BE IT RESOLVED** that Jefferson County formally acknowledges their continued need for regional economic development and planning through the Headwaters RC&D/Economic Development District and the seven county area Comprehensive Economic Development Strategy.

**DATED** this 22<sup>nd</sup> day of May, 2007.

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

Commissioner Notbohm moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

**PUBLIC HEARING - APPROPRIATE TITLE III FUNDS**

Commissioner Lythgoe called the public hearing to order. He stated that the Commission has to specify how Title III funds will be used on a yearly basis. They don't have the dollar amount yet, but they needed to advertise and discuss the uses. The designated uses for the coming fiscal year are:

Search and Rescue

Surveys

Wildland fire engine training

Right-of-way

Youth Forestry Monitoring Program

Funding for defensible space projects

He noted that just because they list a possible use, the funds will not necessarily be used for that. They need to designate a use however. He then called for comments. Ernie Kennison asked about rights-of-way. Commissioner Lythgoe stated that the funds would be used for this purpose if the County had to purchase right-of-way for some reason. There is nothing on the table at this time. Commissioner Notbohm stated regarding the Youth Forestry Monitoring Program, they

have received a request from Liz Burke for double what we have given in the past; he doesn't agree to that amount. Hearing no further comment, Commissioner Lythgoe closed the public hearing.

#### APPOINT FIRE TRUSTEES

Commissioner Lythgoe moved to appoint Larry Harrison and Robin McCulloch to the Elk Park Fire Trustee board for a three-year term. Commissioner Notbohm seconded. The motion carried.

#### DISCUSS AND DECIDE ON NASON'S REQUEST FOR EASEMENT AND ENCROACHMENT IN GRUBER ESTATES

Ron stated that he would like to have an encroachment agreement and an exclusive approach to access his property. He would also like to use the fill available to construct his drive. Joe Carter, Road Supervisor, stated that after looking over the site, talking to Commissioner Weber and looking at the map, he would recommend that the County give the Nasons an exclusive easement to build an approach, give them the ability to use the fill and he suggested that the plat not be changed. He would also strongly recommend that they do not continue the road beyond the proposed area, as there is a natural spring. Commissioner Lythgoe asked if the Nasons will need an encroachment permit. Joe stated that they will, due to the location. Commissioner Lythgoe stated that the encroachment permit is pretty matter-of-fact and no big deal to fill out. Joe stated that the fee covers him coming up to inspect the work.

Matt stated that Commissioner Weber has all of the maps and an aerial map showing where the easement is to be granted, and noted that Rustler's Fork is in a different place than it shows on the certificate of survey. Matt noted that there has been some discussion of doing an abandonment of Rustler's Fork where it is on the plat, but he and Joe are opposed to this. He would suggest that the Commission make a motion for the encroachment to build within 10 feet of and the ability to use fill in the County right-of-way. The neighbor currently parks on that area, but he will still have the ability to park on his own property. Statute does discuss parking in a county right-of-way for more than 48 hours. Commissioner Lythgoe asked, with the existing road, if the trailer should be parked there at all; he stated that he probably should be parking on the other side of the road on his own property. Matt noted that the neighbor's lot is on both sides of the road, but it would solve the issue if he would back up his vehicle 10 or 15 feet. Commissioner Notbohm stated that he feels that they should ask the neighbor to move back a little, rather than move completely. He noted that Gruber Estates is a mess, when it comes to property lines.

Commissioner Notbohm asked Joe about the fill in the right-of-way, if there is much there and if it is a problem. Joe stated that the fill from the neighbor's basement was dumped in our right-of-way.

Commissioner Lythgoe moved that the Nasons pursue an encroachment permit and we allow them to build within the 10-foot original right-of-way, that they be able to use the fill in the right-of-way, that the Commission declare the original right-of-way has been closed for a number of years and not used as recorded in the folio and that they grant an exclusive easement to the Nasons beginning at Vigilante Trail and continuing up Rustler's Fork to the end of lot 15.

Commissioner Notbohm seconded. The motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT**

Marilyn McCauley stated that phase 1 of the multi-purpose building at the fairgrounds should be finished Thursday, and asked when they can start working on phase 2. Commissioner Lythgoe asked if they have any money. Marilyn stated that they can find \$11,000, but that amount will not be enough. The bids will probably come in around \$30,000, but this will not include cupboards, counter tops, air conditioning or appliances. Commissioner Lythgoe noted that they won't be determining the budget until July. Marilyn stated that they have to have their budget figures in by June 15; if they only have \$11,000 cash, how are they to deal with this. Commissioner Lythgoe stated that the fair board will need to come to the Commission with a request for money for this year's budget. Commissioner Notbohm asked what power or authority boards have to take on debt. Commissioner Lythgoe stated that this is a question for Bonnie. The county could do a loan to be paid out of next year's budget. Marilyn stated that she will come up with some figures and get a request to the Commission

Commissioner Notbohm moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**